

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-129928-001 DT

06/28/2006

HONORABLE JAY L. DAVIS
FOR COMMISSIONER SHELLIE SMITH

CLERK OF THE COURT
L. Franco
Deputy

FILED: 07/10/2006

STATE OF ARIZONA

CYNTHIA L GIALKETSIS

v.

KEVIN SHANE MCCULLOUGH (001)
DOB: 2/4/1986

GEORGE C PETERS

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:31 a.m.

State's Attorney:	Mary McGary
Defendant's Attorney:	George Peters
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based upon the information provided, the Court finds probation is not mandatory pursuant to A.R.S. Section 13-901.01(H). However, the Court finds probation to be appropriate due to the nature of this offense and the Defendant's need for supervision and for drug treatment.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (A) Possession of Marijuana
Class 6 Undesignated Felony

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A.R.S. § 13-3401, -3405, -3418, -701, -702, -702.01, -707, -801, -802, -901.01(D) and 13-901.01(H)

Date of Offense: 5/28/2006

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 1 Probation Term: Three (3) years

To begin 6/28/2006.

IT IS ORDERED that probation in this cause shall run concurrent with probation in CR 2005-006946-001DT and CR 2006-127712-001DT.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 1 - \$10.00 per month, beginning 9/1/2006.

FINE: Count 1 - Total amount of \$1350.00, which includes surcharges of 80%, payable \$25.00 per month beginning 9/1/2006.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$5.00

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 19 - Count 1: Complete 24 hours of approved community work service at a minimum rate of 6 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

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Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: None, and if applicable to this case, the State will not allege that the defendant has any prior felony convictions pursuant to A.R.S. § 13-604 or that he was on probation parole at the time of offense pursuant to A.R.S. § 13-604.02.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

The presentence investigation report is filed under CR 2005-006946-001DT.

9:49 p.m. Matter concludes.

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JAY L. DAVIS
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)